

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

JAMES GRIMES

Plaintiff,

-v.-

Civil Action No.  
9:04-cv-1491 (GLS/DRH)

GARY GREENE, Superintendent

Defendant.

---

APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

JAMES GRIMES  
Plaintiff Pro Se  
No. 02-B-2277  
Great Meadow Correctional Facility  
Post Office Box 51  
11739 State Route 22 - Homer Avenue  
Comstock, New York 12821-0051

**FOR THE DEFENDANT:**

HON. ANDREW M. CUOMO  
Attorney General for the  
State of New York  
615 Erie Boulevard West  
Suite 102  
Syracuse, New York 13204-2465

SENTA B. SIUDA, ESQ.  
Assistant Attorney General

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed January 5, 2007. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

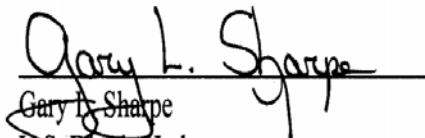
ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed January 5, 2007 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the petition for a writ of habeas corpus is DENIED, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED

Dated: January 25, 2007  
Albany, New York

  
\_\_\_\_\_  
Gary L. Sharpe  
U.S. District Judge